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**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. **MBI-0034 CIP**

First Inventor **JIANG, Cai-Zhong**

Title **METHODS FOR MODIFYING PLANT BIOMASS AND TOLERANCE TO ABIOTIC STRESS**

Express Mail Label No. **EL 889 523 626 US**

PTO  
U.S. PATENT  
19270  
10/688824**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages **113**]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets **22**]  
[Total Pages **4**]
5. Oath or Declaration
  - a. ☐ Newly executed (original or copy)
  - b. ☐ Copy from a prior application (37 CFR 1.63 (d))  
(for continuation/divisional with Box 18 completed)
  - i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☒ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7. ☒ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☒ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☒ paper
  - c. ☒ Statements verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: Petition For Submission of Color.....  
Photographs (4 pgs., in duplicate).....

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_, see next page

Prior application information: Examiner: **C. E. Collins** Group Art Unit: **1638**

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**☒ Customer Number or Bar Code Label

(Insert Customer Number or Bar Code Label here)

or ☐ Correspondence address below**23678**

Name

PATENT TRADEMARK OFFICE

Address

State

Zip Code

City

Telephone

Fax

Country

Name (Print/Type)

Jeffrey M. Libby, Ph.D.

Registration No. (Attorney/Agent)

48,251

Signature

Date

Sept 23, 2003

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ ) 1104.00

## Complete if Known

Application Number	To Be Assigned
Filing Date	Herewith
First Named Inventor	JIANG, Cai-Zhong
Examiner Name	C. E. Collins
Group Art Unit	1638
Attorney Docket No.	MBI-0034 CIP

## METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number: 50-1025  
Deposit Account Name: Mendel Biotechnology, Inc.

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Code	Large Entity Fee (\$)	Small Entity Code	Small Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	750.00
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$ ) 750.00

## 2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
21	-20** = 1	18.00	18.00
7	-3** = 4	84.00	336.00
Multiple Dependent		0.00	0.00

Large Entity Code	Large Entity Fee (\$)	Small Entity Code	Small Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ ) 354.00

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Code	Large Entity Fee (\$)	Small Entity Code	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 0.00

## SUBMITTED BY

Name (Print/Type)	Jeffrey M. Libby	Registration No. (Attorney/Agent)	48,251	Telephone	510-259-6138
Signature		Date	Sept. 23, 2003		

Complete (if applicable)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

**Continued From Page 1 of Utility Patent Application Transmittal**

**Prior applications:**

US Non-Provisional Application No. 10/374,780, filed February 25, 2003;  
US Provisional Application No. 60/227,439, filed August 22, 2000;  
US Non-provisional Application No. 09/506,720, filed February 17, 2000;  
US Provisional Application No. 60/310,847, filed August 9, 2001;  
US Non-Provisional Application No. 10/412,699, filed April 10, 2003;  
US Provisional Application No. 60/135,134, filed May 20, 1999;  
US Non-Provisional Application No. 09/533,392, filed March 22, 2000;  
US Non-Provisional Application No. 09/533,029, filed March 22, 2000;  
US Non-Provisional Application No. 09/532,591, filed March 22, 2000;  
US Provisional Application No. 60/125,814, filed March 23, 1999;  
US Non-Provisional Application No. 09/713,994, filed November 16, 2000;  
US Non-Provisional Application No. 09/996,140, filed November 26, 2001;  
US Non-Provisional Application No. 09/823,676, filed April 2, 2001;  
US Non-Provisional Application No. 10/421,138, filed April 23, 2003;  
US Provisional Application No. 60/336,049, filed November 19, 2001;  
US Non-Provisional Application No. 09/934,455, filed August 22, 2001;  
US Non-Provisional Application No. 09/533,030, filed March 22, 2000;  
US Non-Provisional Application No. 10/225,068, filed August 9, 2002;  
US Non-Provisional Application No. 10/225,066, filed August 9, 2002;  
US Non-Provisional Application No. 10/225,067, filed August 9, 2002;  
US Provisional Application No. 60/338,692, filed December 11, 2001.

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of : Jiang, Cai-Zhong, et al.

Title: **METHODS FOR MODIFYING PLANT BIOMASS AND TOLERANCE TO ABIOTIC STRESS**

Serial No.: TBA

Filing Date: Herewith

Examiner: TBA

Group Art Unit: TBA

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Mail Stop Patent Application  
Commissioner For Patents  
P.O. BOX 1450  
Alexandria, VA 22313-1450

PETITION FOR INCLUSION OF COLOR PHOTOGRAPHS IN A UTILITY PATENT  
APPLICATION PURSUANT TO 37 C.F.R. §1.84(B)(2)

Dear Sir:

This is a request under the provisions of 37 CFR 1.84(B)(2) to include at least three (3) color photograph(s) in the above-referenced utility patent application. Applicants herewith include for Figures 8A and 8B, which are incorporated onto a single page, three (3) sets of the color photographs.

Applicants have included the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee.

Applicants respectfully submit that the inclusion of color photographs in the utility patent application is necessary for the following reasons.

CERTIFICATE OF EXPRESS MAILING

"Express Mail" Label No.: EL 889 523 626 45

Date of Deposit: September 23, 2003

I hereby certify under 37 C.F.R. 1.10 that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office To Addressee" with sufficient postage on the date indicated above and is addressed to : Mail Stop Patent Application, Commissioner for Patents, Po Box 1450, Alexandria, VA 22313-1450

(Signature) Kathleen K. Muto

(Printed Name) KATHLEEN K. MUTO

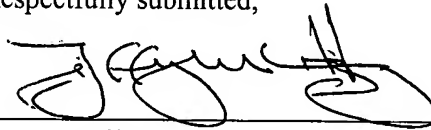
1) Monochrome photographs of Figures 8A and 8B do not clearly distinguish the cotyledons of developing seedlings from their background, and thus do not clearly show the full extent of increased cotyledon expansion in the overexpressing seedlings in Figure 8B, compared to the seedlings of wild-type in Figure 8A. Copies of Figures 8A and 8B in both monochrome and color are attached to underscore to this statement.

The Commissioner is hereby authorized to charge Mendel Biotechnology, Inc. Deposit Account No. 50-1025 the amount of \$130.00, the fee for such a petition as set forth under 37 C.F.R. §1.17(i), or charge the correct fee to said Deposit Account, as the Commissioner deems appropriate.

Respectfully submitted,

Date: September 23, 2003

By: \_\_\_\_\_



Jeffrey M. Libby, Ph.D  
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MBI0034CIPPetColorPhotos.doc